REMARKS

In response to the Office Action dated September 22, 2008, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claim 27 was objected to and has been amended to address the item raised by the Examiner.

Claims 1-3, 6, 14, 15, 18, 19, 21, 22, 26, 27, 29 and 31 were rejected under 35 U.S.C. § 103 as being unpatentable over Gordos in view of Marshall. Claim 17 was rejected 35 U.S.C. § 103 as being unpatentable over Gordos in view of Marshall and Rubis. As features of claim 17 have been placed in claim 1, the rejection of claim 1 is discussed with reference to Gordos in view of Marshall and Rubis.

Claim 1 recites "wherein the illumination source is periodically energized by a pulse generator having a pulsed output, wherein a period of the pulsed output and a pulse width of the pulsed output are independently controlled to provide current to the illumination source." Neither Gordos nor Marshall teaches or suggests this feature. The Examiner relies on Rubis as allegedly teaching this feature. Rubis is related to a correction circuit which is used to correct for electronic drifting. The correction circuit cancels system drift by periodically setting the system input to zero for very short time intervals, sampling the electronic system output, and supplying a correction signal through a long term servo memory, until the next sampling time (Column 1, lines 31-36). There is no indication in Gordos or Marshall that such a correction circuit would be needed, nor is there any indication that the correction circuit of Rubis would be functional in the apparatus taught by Gordos or Marshall. It is not clear how the correction circuit of Rubis would be used in Gordos or Marshall. The Examiner has not pointed out what supposed electronic drifting occurs in Gordos or Marshall.

The Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* issued by the PTO are relevant. The Guidelines state that a "prior art reference (or references when combined) need not teach or suggest all the claim limitations; however, Office personnel

must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. The 'mere existence of differences between the prior art and an invention does not establish the invention's nonobviousness.' The gap between the prior art and the claimed invention may not be 'so great as to render the [claim] nonobvious to one reasonably skilled in the art.'" Applicants submit that there is no reasonable combination of Gordos, Marshall and Rubis that results in the features of claim 1, and that the gap between the prior art and the claimed invention is too great to render claim 1 obvious.

For at least the above reasons, claim 1 is patentable over Gordos in view of Marshall and Rubis. Claims 2, 3, 6, 14, 15, 18, 19, 21, 22, 26, 27, 29 and 31 variously depend from claim 1 and are patentable over Gordos in view of Marshall and Rubis for at least the reasons advanced with reference to claim 1.

Claims 4 and 5 were rejected under 35 U.S.C. § 103 as being unpatentable over Gordos in view of Marshall and Cofer. Claims 7 and 30 were rejected under 35 U.S.C. § 103 as being unpatentable over Gordos in view of Marshall and Lahr. Claim 8 was rejected under 35 U.S.C. § 103 as being unpatentable over Gordos in view of Marshall and Harman. Claims 9 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Gordos in view of Marshall and Paterson. Claims 10-13 were rejected under 35 U.S.C. § 103 as being unpatentable over Gordos in view of Marshall and Jones II. Claim 16 was rejected under 35 U.S.C. § 103 as being unpatentable over Gordos in view of Marshall and Tomioka. Claim 28 was rejected under 35 U.S.C. § 103 as being unpatentable over Gordos in view of Marshall and Neal. With respect to these rejections, none of the relied upon secondary references cure the deficiencies of Gordos in view of Marshall and Rubis discussed above with reference to claim 1. As these claims all depend from claim 1 and are patentable for at least the reasons advance with reference to claim 1.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 50-0510.

Respectfully submitted,

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